

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**J.K., a minor by and through his parents  
and natural guardians, Thomas Kpakah  
and Esther Kpakah,  
THOMAS KPAKAH and  
ESTHER KAPKAH, in their own right,  
Plaintiffs,**

**CIVIL ACTION**

**NO. 14-729**

**v.**

**CSX TRANSPORTATION,  
RAYMOND WALSH and  
MICHAEL L. DOYLE, SR.,  
Defendants.**

**ORDER**

**AND NOW**, this 16th day of September, 2014, upon consideration of Defendants CSX Transportation, Inc., Raymond Lawrence Wash<sup>1</sup> and Michael L. Doyle's Motion to Set Aside Default Judgment (Document No. 4, filed February 18, 2014); Plaintiffs' Response to Defendants' Motion to Set Aside Default Judgments (Document No. 12, filed February 26, 2014); Defendants CSX Transportation, Inc., Raymond Lawrence Wash and Michael L. Doyle's Reply Brief in Support of Their Motion to Set Aside Default Judgments (Document No. 16, filed March 4, 2014); Defendant CSX Transportation, Inc.'s Motion to Dismiss (Document No. 3, filed February 10, 2014); Plaintiffs' Response to Defendants' Motion to Dismiss (Document No. 5, filed February 20, 2014); and Defendants CSX Transportation, Inc., Raymond Lawrence Wash and Michael L. Doyle's Reply Brief in Support of Their Motion to Dismiss (Document No. 11, filed February 26, 2014), **IT IS ORDERED** as follows:

1. The caption is **AMENDED** to correctly identify defendant Raymond Walsh as

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<sup>1</sup> Defendants note that Raymond Lawrence Wash was incorrectly identified by plaintiffs in previous court filings as "Raymond Lawrence Walsh." (Def.'s Mot. Set Aside Default J. 1.)

“Raymond Lawrence Wash” and to correctly identify plaintiff Esther Kapkah as “Esther Kpakah”;

2. Defendants’ Motion to Set Aside Default Judgment is **GRANTED** and the default judgments entered on February 4, 2014 against defendants by the Court of Common Pleas of Philadelphia County, Pennsylvania are **VACATED**;

3. That part of defendants’ Motion to Dismiss seeking dismissal of paragraphs 12(i) and 16(k) of the Complaint is **GRANTED**, and those claims are **DISMISSED WITHOUT PREJUDICE** to plaintiffs’ right to file, within twenty (20) days, an amended complaint if warranted by the facts and applicable law; and

4. Defendants’ Motion to Dismiss is **DENIED** in all other respects.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course. Discovery may proceed in the interim.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**DuBOIS, JAN E., J.**